

Application No. 10/681,668
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Remarks

This communication responds to the Office Action mailed October 6, 2005 for the application captioned above. The following remarks are respectfully submitted

§112 Rejection

Claim 4 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 4 was dependent upon a canceled claim. Claim 4 has been amended to be dependent upon dependent claim 2. Therefore, Applicant respectfully requests the Examiner withdrawal the rejection of claim 4.

§102 Rejection

The Examiner rejected claims 1, 2, 5-8, 10, 12 and 13 are rejected under 35 U.S.C. 102(b) as being anticipated by WIPO '165. Claim 1 recites "the lee-boards extending from the end of the fixed part, opposite to the connection end thereof." In contrast, the '165 reference, discloses elements 6 and 7 (see page 4, lines 6 and 7 of the '165 reference) where element 6 is a rotation axis (e.g., a hinge pin or something similar), whereas element 7 is a connection of said axis, so that they are not a fixed portion of the fin keel, within the meaning of claim 1. With reference to the drawings of WIPO '165, it can be appreciated that the keel of the boat is of the so called "canting type" referred to on page 1 (lines 17 to 30) of the present application. Therefore, the '165 reference actually teaches away from the present invention.

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Furthermore, claim 1 requires "the lee-boards rotatable in a hinged manner on opposite sides ... extending from the end of the fixed part, opposite to the connection end thereof." Therefore, the driving mechanisms that moves the lee-boards are arranged on a fixed portion of the keel (see figs. 5-8 of the application) and therefore are not onboard as required by the '165 reference. Therefore, claim 1 as amended is therefore patentably distinct from '156.

Claims 2, 5-8, 10, and 13 all depend from allowable base claim 1, therefore, claims 2, 4-8, 10-11, and 13 are therefore patentably distinct from '156.

Claims 1, 2, 10 and 11-13 are rejected under 35 U.S.C. 102(b) as being anticipated by Page (U.S. Pat. No. 5,152,238). Claim 1 recites "the lee-boards extending from the end of the fixed part, *opposite* to the connection end thereof." In contrast, Page discloses keel members 34 and 36, which extend from the hull 22/keel 24 as shown in Figure 5. Thus the finkeel is attached at the bottom of the hull or keel, similar to reference '165, and thus is of the so called "canting type" referred to on page 1 (lines 17 to 30) of the present application. Thus Page does not disclose lee-boards extending from the opposite end to the connection end of the fixed part of the keel. In fact, Page does not show a connection part of the fixed keel. Therefore, Page actually teaches away from the present invention.

Furthermore, claim 1 requires "the lee-boards rotatable in a hinged manner on opposite sides ... extending from the end of the fixed part, *opposite* to the connection end thereof." Therefore, the driving mechanisms that moves the lee-boards are arranged in a fixed portion of the keel (see figs. 5-8 of the application) and therefore are not onboard as required by Page (Figure 5). Therefore, claim 1 as amended is therefore patentably distinct from Page.

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Claims 2, 10-11, and 13 all depend from allowable base claim 1, therefore, claims 2, 10-11, and 13 are therefore patentably distinct from Page.

In light of the above, applicant respectfully submits that claims 1-2, 4-8, 10-11, and 13 are in condition for allowance. As these are the only claims pending in the application, issuance of a Notice of Allowance is courteously solicited.

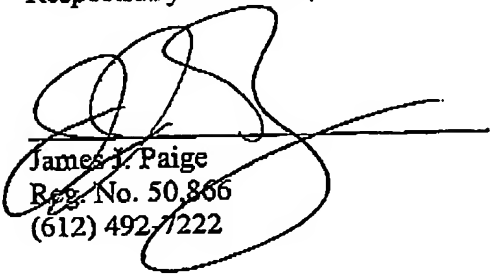
The application presents 1 independent claims and 10 total claims. Please treat any communication filed at any time in this application, requiring a petition for extension of time under 37 CFR 1.136(a) towards timely submission as incorporating a proper petition of an extension of appropriate length of time. If any additional fees are required to enter the present amendment, applicant hereby authorizes the office to charge our Deposit Account No. 06-1910.

If the Examiner feels prosecution of the present application can be materially advanced by telephonic interview the undersigned would welcome a call at the number listed below.

In view of the foregoing, reconsideration and allowance of this application are requested.

Respectfully submitted,

Dated: 1/5/06


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